

amendment. Noted here is the fact that Applicants have simply clarified the nature of the claimed food additive, which is claimed as fibre preparations which consist essentially of the unsolubilized residue of extraction.

The Examiner has rejected claims 1-3, 5-13, 16 and 40-55 under 35 U.S.C. §112, first paragraph for the reasons which are stated in the office action age pages 2-3. Thus, the Examiner essentially argues that the previously submitted claims which referenced an extract, were not sufficiently enabled by the teachings of the specification. It is respectfully submitted, that with the amendment to the claims, which now set forth that the claimed invention is directed to the unsolubilized fibre residue which is left once soluble fibres are extracted and is clearly enabled.

The specification at pages 8-12 evidence the exemplary teachings which will result in the present invention, which is otherwise described throughout the specification. It is respectfully submitted that modifications of the methods which are clearly described in the specification will also readily result in the claimed invention. One of ordinary skill can readily determine how to remove water soluble fibers from a sample containing water soluble and water insoluble fibers. Thus, it is respectfully submitted that the claimed invention is enabled by the teachings of the specification and one of ordinary skill may readily practice the claimed invention without engaging in undue experimentation.

For the above reasons, it is respectfully submitted that the present application is now in condition for allowance and such action is earnestly solicited. No claim has been added or cancelled in this paper. No fee is therefore due for the presentation of this amendment. If the Examiner decides that any fee is due, the Commissioner is authorized to charge any such fee or credit any overpayment to deposit account 04-0838.

An indication of any charge made to the authorized Deposit Account is respectfully requested at the time of the issuance of a further office action, so that the charge may be accurately tracked.

Dated: 9/19/03

Respectfully submitted,  
Coleman Sudol Sapone, P.C.

By: 

Henry D. Coleman

Reg. No. 32,559

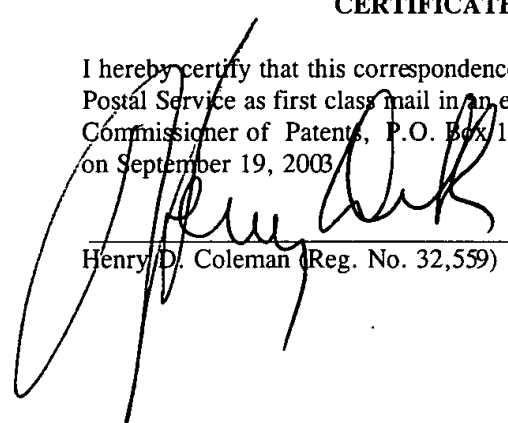
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